

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEFF SMITH,

Plaintiff,

vs

9:03-CV-480

ROBERT K. WOODS, Deputy Superintendent;
JOSEPH R. BELARGE, Captain; G. J. O'DONNELL,
Sergeant; F.S.A. ANTONELLI; and WAYNE HOLT,
Correction Officer,

Defendants.

APPEARANCES:

JEFF SMITH
Plaintiff, Pro Se
49 Ann Street
New York, NY 10038

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, NY 12224-0341

DAVID N. HURD
United States District Judge

OF COUNSEL:

KELLY L. MUNKWITZ, ESQ.
Asst. Attorney General

DECISION and ORDER

Plaintiff, Jeff Smith, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated March 17, 2006, the Honorable George H. Lowe, United States Magistrate Judge, recommended that defendants' motion for summary judgment be granted, and that plaintiff's motion for partial summary judgment be denied. (Docket No. 51). The plaintiff has filed objections to the Report-Recommendation. (Docket No. 53).

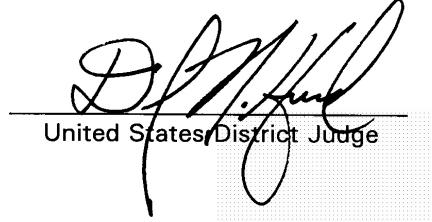
Based upon a de novo determination of the portions of the report and recommendations to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. Plaintiff's motion for partial summary judgment is DENIED. and
3. The complaint is DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: April 24, 2006
Utica, New York.